

**Notice of Allowability****Application No.**

09/773,374

**Applicant(s)**

ZHU ET AL.

**Examiner**

Tamthom N. Truong

**Art Unit**

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 12-22-03.
2. ☒ The allowed claim(s) is/are 5-16.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4,15
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph R. Snyder on 04-16-04.

The application has been amended as follows:

Claim 15: Page 13 of the amendment, lines 5-6, after the word 'with', delete the phrase **"instrumentation such as cardiac or other intravascular catheterization,"**

Line 6, before the word 'intra-aortic', insert the word -- an --;

Line 6, before the word 'coronary', insert the word -- a --;

Line 6, after the word 'stent', delete the word **"or"**, and insert -- , -- (i.e., a comma) in its place;

Line 6, after the word 'valve', delete the phrase **"and conditions requiring the fittings of"**, and insert -- , or -- in its place.

### *Allowable Subject Matter*

Applicant's amendment of 12-22-03 has overcome the previous rejection of 112/2<sup>nd</sup> paragraph by amending the definition of G in claim 9, and deleting the proviso at the end of said claim. The amendment has also overcome the previous rejection of 112/1<sup>st</sup> paragraph by deleting the word "preventing" from the method claims 14 and 15. Finally, the amendment has

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obviated the previous 103 rejection based on **Hirayama et. al.** (WO 99/37643) by deleting the limitation of  $-(CH_2)-Phenyl-(C(=NH)-NH_2)$  (i.e., the last alternative) from the definition of E-J-G in claim 12.

Accordingly, all previous rejections are withdrawn herein for the allowance of claims 5-16 are allowed.

***Reason for Allowance***

The following is an examiner's statement of reasons for allowance:

The invention is drawn to compounds of substituted *(piperidin-4-yl-oxy)-quinoxalinone* or substituted *(piperidin-4-yl-oxy)-quinolone*. The closest reference is **Hirayama et. al.** (WO'643), which has been overcome by the amendment. An update search yielded three references: **Dudley et. al.** (US 6,410,536 B1), **Nikam** (US 6,015,800), **Chernesky et. al.** (US 5,475,009). While they teach the core of either substituted quinoxalinone or substituted quinolone, they fail to teach the side chain of substituted *(piperidin-4-yl)-oxy*, substituted biphenyl-guanidine, or substituted naphthyl-guanidine. Thus, they do not anticipate or render obvious the instant invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamthom N. Truong whose telephone number is 571-272-0676. The examiner can normally be reached on M-F (~10 am ~ 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached at 571-272-0674. If you are unable to reach Dr. Shah within a 24 hour period, please contact James O. Wilson, Acting SPE of 1624, at 571-272-0661.

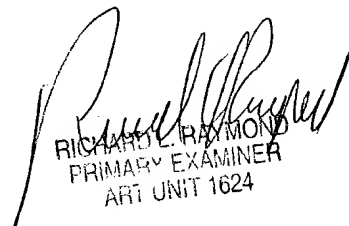
The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.



T. Truong

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April 15, 2004



RICHARD L. RAYMOND  
PRIMARY EXAMINER  
ART UNIT 1624